Manitoba

Annual Report 1985*

Manitoba Police Commission

*For the period ending December 31, 1985

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Manitoba

The Attorney General

Winnipeg, Manitoba, CANADA
R3C 0V8

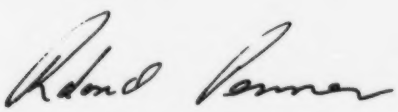
Her Honour
The Honourable Pearl McGonigal
Lieutenant-Governor of Manitoba

Your Honour:

It is my pleasure to present the 1985 Annual Report of the Manitoba Police Commission. This report details the Commission's accomplishments and activities for a 12-month period, from January 1, 1985 to December 31, 1985.

I trust this meets with your approval.

Respectfully submitted,



Roland Penner, Q.C.
Attorney-General for the
Province of Manitoba

Manitoba

Attorney General

Manitoba Police Commssion

5th Floor
405 Broadway Avenue
Woodsworth Building
Winnipeg, Manitoba, CANADA
R3C 3L6
(204) 945-2825

The Honourable Roland Penner, Q.C.
Attorney-General for the Province of Manitoba
Legislative Building
WINNIPEG, Manitoba.

Sir:

The undersigned, pursuant to Section 22(7) of the Provincial Police Act, has the honour to present the Manitoba Police Commission Annual Report for the period January 1, 1985 to December 31, 1985.

Susan Devine
Chairperson

Working Together To Prevent Crime

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Introduction

The Role of the Commission

The Manitoba Police Commission, instituted under the provisions of the Provincial Police Act (Chapter P150 of the Legislative Assembly of Manitoba), is a researching, standardizing and coordinating body that works to promote the prevention of crime, efficiency of police services and police/community relationships in the Province of Manitoba.

Using the powers given it by law, the Commission shall also hear appeals from any person who is a party to an inquiry or investigation, conducted by a police commission into a complaint or matter touching the conduct of any member of a police force or any matter or thing related to the maintenance and operation of a police force and who is aggrieved by any order or determination which was made in the disposition of the case.

Commission Membership

As of January 1, 1985, the members of the Commission were: Jeffrey J. Oliphant, Q.C., Chairperson; Arne Peltz, Vice-Chairperson; Dr. Ken Hanly; Cathie Hiller; and Jim Sinclair. Mr. Oliphant resigned as of April 30, 1985. Mrs. Hiller resigned as of May 21, 1985. Upon Mr. Oliphant's resignation, Mr. Peltz became Acting Chairperson.

Sharon Sawatzky, Laurie Allen and John Jack were appointed to the Commission as of July 10, 1985. Susan Devine was appointed to the Commission and named chairperson as of September 11, 1985.

Commission Staff

The position of Executive Director was deleted.

Crime Prevention Coordinator — Lorne Gregorash

Administrative Secretary — Michèle Dupuis

Commission Activities

Appeals

During 1985, the Commission heard three (3) appeals of decisions from other police commissions.

Appeal of Cst. K.N. Hanson (October 18, 1985)

The Commission heard an appeal by Cst. K.N. Hanson against a decision of the Winnipeg Police Commission on an internal disciplinary charge of discreditable conduct. The case involved suspension without pay of the appellant on the basis of criminal charges of which he was acquitted. The Winnipeg Police Commission had interpreted the charge to mean that the appellant engaged in discreditable conduct by being charged with four criminal offences.

The Commission rejected the contention that there exists the charge of "being charged." It stated that an employer can discipline for the same conduct as is covered by criminal charges, or alternatively for separate employee misconduct; the employer can also suspend the employee pending criminal charges. However, it stated that it is not open to an employer to impose discipline for the offence of "being charged." The Commission allowed the appeal and reinstated the appellant with pay for the period in question.

In connection with the case, the Commission criticized the confusing situation of dual-track proceedings created by Part XIV of the City of Winnipeg Act, Sections 462-468, wherein apparently identical powers are given to both the Winnipeg Police Commission and the Finance Committee. It recommended a rationalization of some kind, with a single supervisory body for the Winnipeg Police Department.

Appeal of Joseph Peter Two-Voice (November 18, 1985)

The Commission heard the appeal of Joseph Peter Two-Voice from a decision of the Winnipeg Police Commission not to waive the 30-day appeal provision in order to review a decision of the Executive Assistant to the Chief of Police not to proceed with a complaint by Mr. Two-Voice against a member of the Winnipeg Police Department. Mr. Two-Voice argued that his original complaint had been made through counsel, but only he was notified of the decision not to proceed. His counsel learned of the decision by chance after the appeal period had elapsed. The Winnipeg Police Commission refused to waive the 30-day appeal period.

While the Commission criticized the Winnipeg Police Department for its failure to ensure that counsel was notified of its decision when it was aware that counsel was involved, it did not feel the facts justified a waiver of the appeal period. The Commission noted that Mr. Two-Voice himself did not follow up or respond to the notice by calling his lawyer. The time lapsed between the lawyer's awareness of the situation and the letter of appeal directed to the Winnipeg Police Commission was greater than 30 days. The Commission noted that the police officers involved in the alleged incident were players in the system too, and could suffer prejudice due to the various delays.

Appeal of Romeo Jean Blanchette (December 9 and 13, 1985)

The Commission heard the appeal of Romeo Jean Blanchette from a decision of the Village of Ste. Anne Police Commission to dismiss charges against the village police department of harassment, and failure to investigate possible criminal acts.

The Commission found no evidence of harassment, but did order that one of the appellant's complaints of possible criminal acts be referred to appropriate officials within the R.C.M.P., along with a copy of the Commission's decision, and a request that the R.C.M.P. reinvestigate the allegations.

Inquiries

Grenada Demonstration Inquiry

By virtue of Order-in-Council dated November 9, 1983, the Manitoba Police Commission was directed to conduct an inquiry to:

> "Investigate and inquire into all the events and circumstances surrounding the demonstration by the members of the public outside the United States of America Consulate office in Winnipeg on Friday, October 28, 1983, and for the purpose of the investigation and inquiry, to hold such hearings as it considers necessary, and without restricting the generality of the foregoing to obtain answers to the following question. . ."

Perry Schulman, Q.C., was named as Commission Counsel, and Del Hanson of Law Enforcement Services was appointed Investigator. The inquiry board was composed of the following members of the Manitoba Police Commission:

J.J. Oliphant, Chairperson
Dr. Ken Hanly, Member
Catherine Hiller, Member

The final report of the inquiry, with recommendations, was submitted to the Lieutenant Governor in Council of Manitoba on March 29, 1985. A summary of the recommendations was part of the Commission's 1984 Annual Report.

Commission Meetings

The Commission met on seven occasions during the year to review ongoing matters.

Conferences

Congress on Criminal Justice, Vancouver, B.C., July 7-11, 1985

The Acting Chairperson, Arne Peltz, attended the congress on behalf of the Commission.

Topics at the congress included: Justice in a High Tech Society, Use of Deadly Force, Indians and Criminal Justice, Police Training, Changing Roles for Criminal Justice Workers, Different Approaches to Crime Prevention, and Effects of the New Sexual Assault Legislation.

Tenth Annual Symposium of Provincial Police Commissions Fredericton, New Brunswick, September 22-25, 1985

Commission members Laurie Allen and Jim Sinclair attended the symposium on behalf of the Commission. Seven provincial police commissions were represented at the symposium.

Keynote speaker at the symposium was Dr. Philip Stenning, Senior Research Associate and Co-ordinator, Graduate Studies, University of Toronto, on the subject of private policing. He was followed by a panel discussion of the growth of the private justice system and its impact on public policing.

Other issues included: auditing systems, codes of discipline, community based police, minimum standards of policing, and case reporting.

International Conference on Civilian Oversight of Law Enforcement Toronto, Ontario, October 1-4, 1985

The Vice-Chairperson, Arne Peltz, attended the conference on behalf of the Commission. Over 150 delegates from jurisdictions across Canada and the United States, and from Europe, participated.

The conference marked a significant turning point in the development of civilian review systems. Discussion has now shifted from "whether" to institute civilian review, to questions of "how" such a review can best be implemented.

The keynote address to the conference was delivered by George Masterman, Q.C., Ombudsman for New South Wales, Australia. He set forth a list of requirements for an effective civilian oversight system, which essentially involved a civilian entity with full investigative powers and the authority to order a remedy. The Government of Manitoba accepted and implemented these basic principles when it enacted the Law Enforcement Review Act for Manitoba.

At the conference, the delegates established an organization entitled the International Association for Civilian Oversight of Law Enforcement (IACOLE). Voting membership is confined to "those persons who are not sworn law enforcement officers and who work for or constitute agencies which are established by legislative or executive authority to investigate and/or review complaints against law enforcement." The Manitoba Law Enforcement Review Agency has joined as a member of IACOLE for Manitoba.

Police Training and Education

Canadian Police College

The Commission continued its past practice of coordinating the allotment of positions for courses at the Canadian Police College. A total of 45 police officers from Manitoba attended 24 different courses at the College during the year. One officer from the R.M. of East St. Paul Police Department attended a course as well as 44 officers from the Winnipeg Police Department.

Information Services

Library

The Commission maintains a small library, stocked with publications on police training, security, crime prevention promotion and law enforcement in general. In addition, many law enforcement periodicals are catalogued and available to police officers, students and members of the general public. Specific articles on the administration of justice are filed for information and research purposes.

Crime Prevention Publications

The Commission stocks a variety of pamphlets and booklets on a number of crime prevention programs which are made available to the public, businesses, law enforcement agencies and other interested groups:

Protection for Senior Citizens
Woman Alone
Business Security
Fraudulent Cheque Protection
Auto Theft Protection
Operation Provident
Operation Identification
Tips to Stop Shoplifting
Manitoba Committee on Wife Abuse

Crime Prevention Guide
"Officer Ollie" colouring book
Don't Run Away
"Officer Ollie" Explains the Facts

The newest booklet, **"Officer Ollie" Explains the Facts,** was published in the spring of 1985 and made available for use by police in schools. The booklet covers the subject of alcohol and drug abuse and is intended for older elementary and junior high students.

Legislation

Law Enforcement Review Act

Effective February 1, 1985, the Government of Manitoba proclaimed the Law Enforcement Review Act, which provides an independent mechanism for civilian investigation and review of public complaints against police officers. The Act creates the office of Commissioner to receive and investigate complaints, mediate and resolve matters informally where possible, and refer cases where necessary to an independent Law Enforcement Review Board for final adjudication. Hans Schneider was appointed as the first Law Enforcement Review Act Commissioner.

Pursuant to the Act, the Commissioner is an officer of the Manitoba Police Commission. As such, the Manitoba Police Commission has a broad supervisory responsibility for the operation of the new agency. However, the conduct of particular cases is left solely within the authority of the Commissioner.

Under Section 13 of the Act, where the Commissioner has dismissed a complaint on the grounds that it is frivolous and vexatious, or is beyond the scope of the disciplinary defaults prescribed in the Act, the dismissal can be reviewed by the Manitoba Police Commission. During 1985, the Commission received two applications to review decisions of the Commissioner.

In the first case, an individual who was stopped on a traffic violation by City of Winnipeg police officers complained that he was dealt with in a discourteous or uncivil manner. The complaint was dismissed after investigation by the Commissioner, and reviewed under Section 13 of the Act by the Manitoba Police Commission at the request of the complainant. The Manitoba Police Commission upheld the dismissal of the complaint, and stated in part as follows:

> *"In our view, the Manitoba Police Commission must at this stage accept as true the factual allegations of a complainant, and refer the matter to LERB if a complaint could be made out. LERB has responsibility for determining credibility and making finding of fact. The Law Enforcement Commissioner and the Manitoba Police Commission are in a similar position to a judge dealing with a motion to strike out a Statement of Claim for no cause of action or for being frivolous and vexatious.*
>
> *In this case, we find by majority vote that the factual allegations, even if true, do not amount to a disciplinary default against Constable —. No words or gestures of harassment occured. The only actual objective conduct which you complain of was that the officer snickered upon examining your driver's license. You indicated that you have surmised that the officer was reacting to your reputation as a police critic. If true, this allegation would be a serious one. However, the majority finds no factual basis here which could justify an inquiry into that matter.*
>
> *The minority finds that, while the case may be a weak one, there is some evidence to be considered, and that the proper course of action would be to allow LERB to rule after hearing witnesses and argument.*
>
> *We are all of the view that the screening function of the Law Enforcement Commissioner and the MPC is to be exercised sparingly. The Act bestows a right to a hearing, except in cases which are frivolous and vexatious or outside the scope of the disciplinary code."*

The second application for review under Section 13 of the Act was withdrawn by the complainant prior to hearing before the Manitoba Police Commission.

Bill C-65, An Act to Amend the Royal Canadian Mounted Police Act

Vice-Chairperson Arne Peltz appeared before the House of Commons Legislative Committee to present a submission on Bill C-65 on behalf of the Commission. The Commission was asked to appear because of its role in the implementation of the province's Law Enforcement Review Act.

Although the Commission's submission was generally supportive of the intent of Bill C-65, it pointed out several serious concerns with the proposed complaints review process.

The submission suggested several amendments: that complaints against members of the R.C.M.P., at least in some circumstances, be investigated independently of the Force; that provinces contracting the services of the R.C.M.P. have a role at the investigation stage of the complaint process; that complaints involving alleged serious misconduct or questions of credibility should be formally heard by the Public Complaints Commission to be established under the new Act; and that the authority to make decisions based on the complaints review process rest with the independent review body rather than the Commissioner of the R.C.M.P.

Crime Prevention and Police — Community Relations

Crime Prevention Committee

The Crime Prevention Committee is a body with representatives from R.C.M.P., Winnipeg Police Department, Brandon City Police, Manitoba Police Commission, Canadian Armed Forces Military Police, Government Security Services, 7-Eleven Food Stores, East St. Paul Police Department, D.O.T.C. Police and the Canadian Pacific Railway Police. This Committee, which was established in 1976, works to coordinate the exchange of crime prevention information and materials among law enforcement agencies and the public in Manitoba.

To facilitate this exchange and to promote the concept of crime prevention, the Committee holds regional meetings throughout the Province each year.

A total of 11 such meetings were held during 1985. Seven of these meetings were in Winnipeg, the remainder outside the city (Brandon, Morden, The Pas, and Portage la Prairie). Issues addressed at these meetings included most major crime prevention programs, police/public relations, victim services, citizens' crime prevention groups, seatbelt and child restraint legislation, and other relevant programs.

In addition to this, the Core Committee members met on nine occasions to plan regional meetings and to discuss matters of mutual concern.

Crime Prevention Presentations and Displays

School Program

The Commission's Crime Prevention Coordinator was booked for school presentations in 61 different schools throughout the Province. The Officer Ollie public relations police mascot gave presentations to approximately 17,443 students in total.

The safety and crime prevention program involving Officer Ollie has now completed four years of operation and in that time has performed for over 70,000 children. It has proven to be very popular in the schools and is well used by local police departments as a police-community relations tool.

Special Presentation

During his travels around the Province, the Crime Prevention Coordinator has also given presentations to many adult groups.

These individuals include farmers, business persons, homeowners, senior citizens, Block Parents and many social groups.

Crime Prevention Trailer

The Commission's mobile crime prevention display, a 28-foot trailer, was booked steadily from June through to the end of September. The trailer operated for a total of 56 days in locations throughout Manitoba and during this period of time, approximately 16,978 people went through the display. This is an average of approximately 303 people per day.

The Crime Prevention Coordinator spent a total of 15 days working in display booths set up either by Winnipeg City Police or R.C.M.P. members throughout the Province. These displays were in malls which could not accommodate the trailer. One of these display areas was the Red River Exhibition which ran for 10 days. Total attendance at the Red River Exhibition during this period of time was 360,000. The number of these people attending the display is not known; however it is believed that approximately 14,000 to 20,000 people saw and wandered by the crime prevention display. Some of the other display areas were small malls and the number of people attending these displays is not known but is believed to be in the hundreds.

Special Traffic Committee

The Manitoba Police Commission is represented on a special Traffic Safety Committee established by the Hon. John Bucklaschuk, Minister responsible for the Manitoba Public Insurance Corporation, and The Hon. John Plohman, Minister of Highways. The function of the Highway Safety Committee is to consolidate information about traffic safety problems presently being addressed for the purpose of advising the Ministers. The terms of reference are as follows:

1) To provide timely information and advice to the Ministers in connection with all aspects of highway safety, pedestrian safety and the correct management of all vehicular traffic in the Province of Manitoba.

2) To make inquiries, receive representation from interested parties and identify opportunities so as to recommend any necessary changes to the Ministers.

Approximately 10 committee meetings and three subcommittee meetings have been held with a number of matters being discussed. At this time, the committee has chosen the following as priorities for the coming year: seatbelt and child safety, legislation, corridor safety.

Safe Grad Committee

The Commission is also represented on the Safe Grad Committee. The function of the Safe Grad Committee is to eliminate accidents, death and misfortune by promoting safe practices among young persons so as not to experience difficulty with alcohol and drugs. The "no alcohol" party is considered to be the viable alternative. Approximately 10 Safe Grad meetings have been held; and two Safe Grad seminars, one in Winnipeg and one in Brandon; with a total attendance of approximately 350 students from throughout the Province of Manitoba.

Summer Student Program

The Commission employed two summer students through the Government's S.T.E.P. (Student Temporary Employment Program) for periods of 14 weeks during the summer of 1985.

Both students travelled with the Crime Prevention Coordinator assisting with displays at fairs, exhibitions and other events.

Both students were greatly appreciated and were a great asset to the overall display program.

Operation Provident

The Commission continued to be the central registry for businesses joining the Operation Provident property identification program. There were 197 Operation Provident numbers assigned in 1985.

Since the program began in 1979, the Commission has issued 5,021 Provident numbers.

Appendices

Appendix A

Royal Canadian Mounted Police
Municipal Policing Contracts

Beausejour (Town of)
Boissevain (Town of)
Carman (Town of)
Dauphin (Town of)
Flin Flon (City of)
Gillam (L.G.D. of)
Gimli (Town of)
Killarney (Town of)
Leaf Rapids (L.G.D. of)
Lynn Lake (L.G.D. of)
Minnedosa (Town of)
Neepawa (Town of)
Pinawa (L.G.D. of)
Portage la Prairie (City of)
Roblin (Town of)
Russell (Town of)
Selkirk (Town of)
Souris (Town of)
Steinbach (Town of)
Stonewall (Town of)
Sundance (Manitoba Hydro Limestone Project)
Swan River (Town of)
The Pas (Town of)
Thompson (City of)
Virden (Town of)

Appendix B

Royal Canadian Mounted Police
Extension Contracts

Arborg (Village of)
Birtle (Town of)
Carberry (Town of)
Emerson (Town of)
Gladstone (Town of)
Grandview (Town of)
Lac du Bonnet (Village of)
MacGregor (Village of)
Manitou (Village of)
Melita (Town of)
Morris (Town of)
Niverville (Village of)
Pilot Mound (Village of)
Pine Falls (Townsite of)
St. Pierre (Village of)
Ste Rose du Lac (Village of)
Shoal Lake (Village of)
Snow Lake (L.G.D. of)
Teulon (Village of)
Winnipegosis (Village of)

Appendix C

Municipal Policing

Altona (Town of)
Brandon (City of)
Cornwallis (R.M. of)
Deloraine (Town of)
East St. Paul (R.M. of)
Gilbert Plains (Village of)
Lac du Bonnet (R.M. of)
Morden (Town of)
Rivers (Town of)
Ste-Anne (Village of)
Victoria Beach (R.M. of)
Winkler (Town of)

City of Winnipeg

District 1 Inner-City
Winnipeg West

District 2 St. James Assiniboia

District 3 North Winnipeg
West — Old Kildonan

District 4 East — North Kildonan
Transcona

District 5 St. Boniface
St. Vital

District 6 South Winnipeg
Fort Garry
Charleswood
Tuxedo

Appendix D

Northern Community Constable Policing

Barrows
Berens River
Brochet
Camperville
Cormorant
Crane River
Cross Lake
Duck Bay
Easterville
Manigotagan & Seymourville
Moose Lake
Norway House
Pelican Rapids
South Indian Lake
Waterhen